

I agree with MedPAC and worked with Senator JIM JEFFORDS to file an amendment to the Labor, Health and Human Services and Education Appropriations bill that would have implemented MedPAC's recommendations.

I decided against offering my amendment for a vote, but I leave open the possibility of offering the amendment on another vehicle if CMS does not take appropriate action. I hope that the 75 percent rule can be updated to ensure that my constituents and all Americans continue to have access to necessary medical rehabilitation services.

CONTRACTING OUT IN THE DEPARTMENT OF INTERIOR

Mr. AKAKA. Mr. President, I rise today in strong support of the amendment offered by the Senator from Nevada, Mr. REID, to prohibit the use of fiscal year 2004 Interior funds to initiate public private competitions at the Department of the Interior, including the National Park Service. This amendment takes an important step to ensure that vital public services at Interior are not put at risk by the administration's aggressive plans to contract out Federal jobs.

As the ranking member of the National Parks Subcommittee, I view the administration's outsourcing policies as especially harmful to the National Park Service. I am particularly concerned that the outsourcing of Park Service jobs could target biologists, anthropologists and archaeologists.

During a Parks Subcommittee hearing this summer, Scot McElveen, the president of the Association of National Park Rangers testified that current outsourcing policies seriously threaten reliable, effective, and efficient service to the public.

Mr. McElveen said the administration's outsourcing plan is incompatible with the Parks Service's decentralized workforce. Furthermore, he noted that it would only worsen National Parks' current staffing and budgetary shortfalls by diverting funds for operations and maintenance to contract out jobs.

I agree with Mr. McElveen. I fail to see how outsourcing functions within the Parks Service will improve their mission to protect our national parks, historic sites, monuments, and other treasured places. Park Service employees have a strong sense of public service which cannot be replicated by the private sector.

I believe this amendment takes the measures needed to ensure that contracting out at the Department of the Interior does not come at the expense of our National Parks.

The Reid amendment is identical to language included in H.R. 2691, the House Interior Appropriations bill. I urge my colleagues to support this amendment.

HONORING OUR ARMED FORCES

Mr. MCCAIN. Mr. President, I was recently informed of the passing of MSG

Al Bland, USAF Ret. This distinguished veteran of the United States Air Force served his country admirably for 20 years. His military career included service during World War II, where Master Sergeant Bland was ordered to beach defense on the Bataan perimeter. Captured at Bataan in April of 1942, Master Sergeant Bland survived the Bataan Death March, carrying another soldier for most of the journey. As a POW, Bland was imprisoned at Camp O'Donnell in the Philippines, later on a Japanese Hell Ship and finally in Manchuria. He was finally released from prison camp in 1945, after three torturous years. As a result of his combat, he was 100 percent service related disabled.

The list of awards Master Sergeant Bland received for his valiant service include the Bronze Star and the Purple Heart. Upon completing his service, Master Sergeant Bland became a leader on POW related issues for many years. He was instrumental in establishing the Andersonville National Park and was awarded the POW Medal by President Reagan in 1988. I was fortunate enough to work with Master Sergeant Bland and more importantly call him a friend. Master Sergeant Bland was a true patriot and he will be sorely missed and by a grateful nation.

DO NOT CALL REGISTRY

Mr. KOHL. Mr. President, regrettably, a Federal judge in Oklahoma has voided the Federal Trade Commission's national "do not call" list that was set to go into effect on October 1. This action frustrates the wishes of more than 48 million Americans who have signed up for the "do not call" list. Though a judge ruled that the FTC lacked Congressional authority to create the national list, I strongly disagree and believe that Congress explicitly granted the Commission both the authority and the funding earlier this year to create a "do not call" list.

Indeed, absent Congressional action, the FTC's "do not call" list would have failed to have become a reality this year. I recall discussing the matter with FTC Chairman Tim Muris at a hearing before the Antitrust Subcommittee last September. He asked me for help in getting Congressional authority in order to raise fees necessary to implement the "do not call" list. We were able to grant the Commission this authority in the Consolidated Appropriations Resolution which passed in February of this year. We further authorized the FTC's initiative in the Do-Not-Call Implementation Act on March 11, 2003.

These actions more than authorized the FTC's "do not call" list, in my view. That said, this bill will make it crystal clear that Congress endorses, supports, and authorizes the FTC to create a national "do not call" registry.

I commend the FTC's hard work to create a national "do not call" list.

Such action was long overdue. The deluge of telemarketing sales calls is the number one consumer complaint in this country. It is a problem that has gotten out of control. The average American receives two to three telemarketing calls per day. I often receive even more than that. Some estimate that the telemarketing industry is able to make 560 calls per second or roughly 24 million calls per day. No wonder people feel like they are under siege in their own home. Therefore, we in Congress acted to ensure that the FTC's "do not call" list became a reality. Should we need to do more to overcome a court's objections, we can and shall do it.

Given the enormous response of nearly 50 million Americans who have signed up in less than 3 months, the "do not call" list is clearly needed. Though I am troubled by the court's decision, we can set the record straight and authorize the FTC's action. I urge quick passage of this legislation, so that the "do not call" list can start up as scheduled on October 1, 2003.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHELBY. Mr. President, I rise today in support of H.R. 3087, the Surface Transportation Extension Act of 2003. This bill, which was crafted in a bi-partisan, bicameral fashion will extend the Federal transportation programs for an additional 5 months to February 29, 2004.

The Transportation Equity Act for the 21st Century expires on September 30 of this year. Legislation is necessary to carry on the essential functions of the highway, highway safety, motor carrier safety, transit and other programs that are recipients of highway trust fund money. This bill accomplishes just that. It funds the programs at five-twelfths of the fiscal year 2004 budget conference report level.

H.R. 3087 is a clean reauthorization of these programs. This bill contains no new projects and no new programmatic changes. It simply extends TEA-21 and current provisions of transportation law. As the chairman of the Banking Committee whose jurisdiction includes the reauthorization of the transit title of TEA-21, I was hopeful that, working with the chairman of the relevant committee, we would have achieved passage of a multiyear bill. As funding levels and an appropriate source for those funds have yet to be identified, that proved to be impossible.

While I am not overly confident that 5 months of negotiating will resolve this problem, I support this piece of legislation. I believe it is essential that we continue to authorize our Nation's highway and transit infrastructure. I think this necessary stop-gap measure is the way to achieve that. I recommend the bill to my colleagues and ask for their support.